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125736 (SPLG 12553-1015)RECEIVED
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REMARKS

Claims 1-25 are pending in this application. Claims 1-25 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, the two month response date for responding to the outstanding Office Action was October 1, 2006, which was a Sunday. Pursuant to MPEP 706.07(f), "if the last day of "2 months of the date of the final Office action" falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, and a reply is filed on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday, pursuant to 37 CFR 1.7(a), the reply is deemed to have been filed within the 2 months period and the shortened statutory period will expire at 3 months from the date of the final rejection or on the mailing date of the advisory action, whichever is later." Accordingly, this Request for Reconsideration is being filed within the 2 month period.

Claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 17, 19, 20, 23 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (U.S. Patent 6,787,777) in view of Shao et al. (U.S. Patent 6,928,142). Applicants respectfully traverse this rejection.

Gagnon et al. describes a nuclear imaging system having a gamma camera divided into segments (abstract). Each of two detector heads 32 and 34 is segmented into a plurality of regions such that only a portion of the field of view (FOV) is imaged during transmission scanning, emission scanning, or both (column 6, lines 5-8). Each detector generates position and energy data and segment selector circuitry connected to each detector selectively disables a portion of each detector head during collection of emission data, transmission data, or both (abstract).

Shao et al. describes a method for plaque detection using a combined nuclear medicine and X-ray system. A coordinate system is provided to describe the relative position of the components in the imaging system and used to position one of the X-ray subsystem and a nuclear camera subsystem. A region of interest (ROI) is determined by an ROI position determination

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function based on the image generated by the X-ray subsystem and thereafter the ROI is targeted for imaging by the nuclear camera subsystem (abstract).

Independent claims 1, 10, 19, 20 and 25 being all the pending independent claims variously recite, among other elements, the determination of an anatomical size of an abnormality based on a first region of interest in a first image. Although the cited prior art references to Gagnon et al. and Shao et al. may describe selecting and imaging a region of interest, there is simply no description or suggestion of determining an anatomical size of an abnormality in a region of interest as clearly recited in the independent claims. Additionally, none of the cited prior art provides a motivation or reason whatsoever to modify the respective systems to determine an anatomical size of an abnormality as recited in the pending claims. Applicants respectfully submit that although a prior art device may be capable of being modified to operate in the manner of the claimed invention, there must be a motivation or suggestion to do so (MPEP 2143.01, III). There is no such motivation or suggestion in any of the cited art. Gagnon et al. is concerned with and motivated by a desire to provide more accurate registration and Shao et al. is concerned with and motivated by a desire to improve positioning of the imaging components. Neither reference provides any rationale supporting a determination of the size of an abnormality.

Further, substantial evidence must be provided by the Office in supporting a rejection based on common knowledge in the art (MPEP 2144.03). It is not appropriate, as has been done in the present Office Action, to assert knowledge in the art without citing a prior art reference wherein the facts are asserted (MPEP 2144.03, A). Although Shao et al. describes parameters in addition to scan parameters that may be used for imaging, including, an average Thorax volume size and aperture size, there is no description or suggestion to determine the size of an abnormality by counting the number of pixels as suggested in the Office Action or by any other means. The Office has failed to satisfy the substantial evidence standard as required by the Federal Circuit. There is simply no support for determining the size of an abnormality. Accordingly, Applicants submit that the Section 103 rejection is improper. In order to maintain this rejection, documentary evidence must be provided (MPEP 2144.03, C) or the rejection withdrawn. Thus, independent claims 1, 10, 19, 20 and 25 are allowable over the 35 U.S.C. § 103(a) rejection.

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Claims 3, 5, 6 and 8 depend from independent claim 1. When the recitations of claims 3, 5, 6 and 8 are considered in combination with the recitations of claim 1, Applicants submit that dependent claims 3, 5, 6 and 8 are likewise patentable over the combination Gagnon et al. and Shao et al. for at least the same reasons set forth above.

Claims 12, 14, 15 and 17 depend from independent claim 10. When the recitations of claims 12, 14, 15 and 17 are considered in combination with the recitations of claim 10, Applicants submit that dependent claims 12, 14, 15 and 17 are likewise patentable over the combination Gagnon et al. and Shao et al. for at least the same reasons set forth above.

Claim 23 depends from independent claim 20. When the recitations of claim 23 are considered in combination with the recitations of claim 20, Applicants submit that dependent claim 23 is likewise patentable over the combination Gagnon et al. and Shao et al. for at least the same reasons set forth above.

Claims 2, 4, 7, 11, 13, 16, 21, 22 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (U.S. Patent 6,787,777) in view of Shao et al. (U.S. Patent 6,928,142) and further in view of Townsend et al. (U.S. Patent 6,490,476). Applicants respectfully traverse this rejection.

Gagnon et al. and Shao et al. are described and discussed above. Even from a cursory reading of the Townsend et al. reference, this reference fails to make up for the deficiencies in the Gagnon et al. and Shao et al. references. Further, claims 2, 4 and 7 depend from claim 1, claims 11, 13 and 16 depend from claim 10, and claims 21, 22 and 24 depend from claim 20. Accordingly, when the recitations of claims 2, 4, 7, 11, 13, 16, 21, 22 and 24 are considered in combination with the recitations of the independent claim from which these dependent claims depend, Applicants submit that dependent claims 2, 4, 7, 11, 13, 16, 21, 22 and 24 are likewise patentable over the combination Gagnon et al. and Shao et al. in view of Townsend et al. for at least the same reasons set forth above.

Claims 9 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (U.S. Patent 6,787,777) in view of Shao et al. (U.S. Patent 6,928,142) and further in view of Ferrant et al. (U.S. Patent 6,597,762). Applicants respectfully traverse this rejection.

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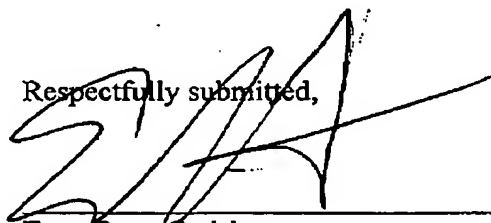
Gagnon et al. and Shao et al. are described and discussed above. Even from a cursory reading of the Ferrant et al. reference, this reference fails to make up for the deficiencies in the Gagnon et al. and Shao et al. references. Further, claim 9 depends from claim 1 and claim 18 depends from claim 10. Accordingly, when the recitations of claim 9 are considered in combination with the recitations of claim 1, and when the recitations of claim 18 are considered in combination with the recitations of claim 10, Applicants submit that dependent claims 9 and 18 are likewise patentable over the combination Gagnon et al. and Shao et al. in view of Ferrant et al. for at least the same reasons set forth above.

Thus, for at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1-25 be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that the prior art fails to teach or suggest the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

10/2/06

Respectfully submitted,



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